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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,623

Applicant(s)

HONMA, HIROYUKI

Examiner

Brandon Hoffman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-18 are pending in this office action.
2. Applicant's arguments filed March 17, 2004, have been fully considered but they are not persuasive.

Rejections

3. The text of those sections of 35, U.S. Code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 102

4. Claims 1-4, 6-8, and 10-13, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsutsui et al. (U.S. Patent No. 6,314,391).

Regarding claims 1 and 10, Tsutsui et al. teaches:

An information management method/apparatus comprising (fig. 18):

- Generating protection information for protecting the storage area of a recording medium storing a second string of codes recorded by a second coding technique from any recording, editing and erasing operations of a first apparatus adapted to handle a first string of codes by a first coding technique and refer to the first management data stored in a first management area (fig. 18, address location 0 and 1 are the first string of codes by a first coding technique and refer to the first

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management data stored in a first management area. Once the first apparatus reads address location 0 and 1, it then reads location 5, then 116. From there it goes to location 200000, where the message "for reproducing signals of this disc, use B codec related reproducing device.");

- Arranging said protection information in the first management data area as one of said first management data (col. 17, line 61 through col. 18, line 2); and
- Protecting the storage area of the medium storing said second string of codes from any recording, editing and erasing operations of said first apparatus on the basis of said protection information when the medium storing said second string of codes is operated by said first apparatus (col. 18, lines 2-12).

Regarding claims 2 and 11, Tsutsui et al. teaches said first apparatus is permitted to reproduce only the part of the first string of codes on the basis of said protection information when a single string of codes generated by means of both said first coding technique and said second coding technique is recorded on said recording medium (col. 18, lines 63-67).

Regarding claims 3 and 12, Tsutsui et al. teaches said protection information indicates that the area that can be used by said first apparatus for recording is made nil in said area on the medium or said area on the medium is made smaller than the allowable area of said first apparatus (col. 19, lines 12-31).

Regarding claims 4 and 13, Tsutsui et al. teaches said protection information indicates that the storage information of the address information indicating the position of the area on the medium that can be used for recording by said first apparatus is made equal to nil (fig. 18, address storage location information 1 refers to location 116, which in turn refers to location 200000, which is made 0 or nil, and col. 18, lines 13-24).

Regarding claims 6 and 15, Tsutsui et al. teaches:

- A second management data area that can be referred to only by the second apparatus adapted to handle the second string of codes or both the first string of codes and the second string of codes is provided on said medium (fig. 18, address location 2, and col. 18, lines 25-48) and
- The first management data are arranged in said second management data area except said protection information (col. 18, lines 44-48 suggests that the once recorded first management data are now arranged in the second management data area because the second management data area has claimed the first address storage location that once was referenced by the first management data area. Hence, the first management data are arranged in said second management data area except said protection information).

Regarding claims 7 and 16, Tsutsui et al. teaches said second apparatus is adapted to refer to both said first management data area and said second management data area (col. 16, line 64 through col. 17, line 3).

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Regarding claims 8 and 17, Tsutsui et al. teaches said second apparatus is adapted to disregard said first management data area and refers to only the second management data area when said protection information is arranged in said first management data area (col. 18, lines 25-42).

Claim Rejections - 35 USC § 103

5. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui et al (U.S. Patent No. 6,314,391) in view of Nakashima et al. (U.S. Patent No. 5,708,650).

Regarding claims 5 and 14, Tsutsui et al. teaches all the limitations of claims 1 and 10, respectively. However Tsutsui et al. does not teach said protection information indicates that the protection mode of the track on the medium is prohibited from rewriting.

Nakashima et al. teaches said protection information indicates that the protection mode of the track on the medium is prohibited from rewriting (fig. 20, 'write-protection flag' and col. 3, lines 10-19).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have the protection information indicate that the protection mode of the track on the medium is prohibited from rewriting, as taught by Nakashima

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et al., combined with the method/apparatus of Tsutsui et al. It would have been obvious to one of ordinary skill in the art to have protection information indicate the medium is prohibited from rewriting, as taught by Nakashima et al., combined with the method/apparatus of Tsutsui et al. because the protection flag allows data to remain on the medium for a user-added benefit.

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui et al (U.S. Patent No. 6,314,391) in view of Takezawa (U.S. Patent No. 5,392,265).

Regarding claims 9 and 18, Tsutsui et al. teaches all the limitations of claims 1 and 6, and also claims 11, and 15-17, respectively. However, Tsutsui et al. does not teach said second apparatus initializes said first management data area and allows the medium to be used by said first apparatus for recording, editing and erasing when said second string of codes no longer exists on said medium.

Takezawa teaches said second apparatus initializes said first management data area and allows the medium to be used by said first apparatus for recording, editing and erasing when said second string of codes no longer exists on said medium (col. 2, lines 31-43).

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It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to allow recording, editing, and erasing of data after a second string of codes no longer exists on a medium, as taught by Takezawa, combined with the method/apparatus of Tsutsui et al. It would have been obvious to one of ordinary skill in the art to allow recording, editing, and erasing of data after a second string of codes no longer exists on a medium, as taught by Takezawa, combined with the method/apparatus of Tsutsui et al. because this well known task is common in record management of data on an optical medium. When data is added, deleted, or edited, the TOC is automatically updated to reflect the changes made. This implies that when a second string of codes is deleted, i.e. no longer exists on a medium, the TOC is updated to reflect the change, therefore informing the apparatus adapted to the old standards that information exists in the old format exclusively. This would allow the first apparatus recording, editing, and erasing rights.

Response to Arguments

6. Applicant amends claims 11-18.
7. Applicant argues:
 - a. Independent claims 1 and 10 are not taught by Tsutsui et al. to include editing or erasing signals recorded on the recording medium, or generating protection information to protect the storage area of a recording medium from any recording, editing and erasing operations of a first apparatus adapted to

handle a first string of codes by a first coding technique (page 23, second paragraph).

b. Independent claims 1 and 10 are not taught by Tsutsui et al. to include arranging the protection information in the first management data area as one of the first management data, or protecting the storage area of the medium storing the second string of codes from any recording, editing and erasing operations of the first apparatus on the basis of the protection information when the medium storing the second string of codes is operated by the first apparatus (page 23, second paragraph).

c. Dependent claims 2-9 and 11-18 are allowable based on their dependency on allowable claims 1 and 10 (page 23, last paragraph and page 24, the whole page).

Regarding argument (a), examiner disagrees with applicant. Tsutsui et al. does not teach editing or erasing signals recorded on the recording medium. However, in order to record, edit, or erase any data from the recording medium storing the first string of codes, while being reproduced by the first apparatus, the management area of the recording medium is read first. The reading performs the steps in column 17, line 61 through col. 18, line 24; more specifically, the management area that is read deters a user from using the recording medium by a device of the first apparatus. This would prevent any further recording, editing, or erasing of the first string of codes while being the first apparatus.

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Regarding argument (b), examiner disagrees with applicant. In order to record, edit, or erase any data from the recording medium storing the second string of codes, while being reproduced by the first apparatus, the management area of the recording medium is read first. The reading performs the steps in column 18, lines 25-49; more specifically, the management area that is read deters a user from using the recording medium by a device of the first apparatus. This would prevent any further recording, editing, or erasing of the second string of codes while being the first apparatus.

Regarding argument (c), examiner disagrees with applicant. Based on the arguments set forth by the examiner for arguments (a) and (b), the dependent claims stand as rejected.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheik can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Brandon Hoff

BH
3/27/04

Ayaz Sheik

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